

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	Criminal Action No. 06-117-GMS
	)	
EVA D. GODSELL,	)	
	)	
Defendant.	)	

**MOTION FOR CONTINUANCE OF CHANGE OF PLEA HEARING**

COMES NOW the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Edmond Falgowski, Assistant United States Attorney for the District of Delaware, and requests that the Court continue for 60 days the change of plea hearing in this matter. In support of this motion, the United States submits the following:

1. On April 8, 2008, the United States sent the Court a draft Memorandum of Plea Agreement, requesting that the matter be scheduled for a change of plea hearing. In its cover letter, the United States explained that the defendant expected to file, prior to sentencing, a variance/departure motion pursuant to U.S.S.G. § 5H1.6 - Family Ties and Responsibilities, and that the defendant was prepared to share the substance of that motion with the United States, prior to the guilty plea, with the understanding that the Government may agree to not oppose the motion.
2. On April 9, 2008, the Court scheduled a change of plea hearing for April 16, 2008.
3. On April 10, 2008, the United States spoke to Solomon Fisher, Esquire, counsel for the defendant, who clarified that the Government's approval of the referenced variance/departure motion

is a condition of the defendant's acceptance of the draft plea agreement. Mr. Fisher reiterated that he is in the process of acquiring psychological reports relevant to his motion and wants to share them with the United States before a change of plea hearing is scheduled. Mr. Fisher expects that a change of plea hearing would have to be continued for approximately 60 days to accomplish this review by the parties and waives any Speedy Trial Act delay.

4. The United States is prepared to submit to the Court bi-weekly status reports if the Court is inclined to grant this motion.

5. The Speedy Trial Act provides that the Court may exclude time under the Act "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A). The United States submits that the requested delay of the change of plea hearing is excludable under the Act.

WHEREFORE, the United States respectfully requests that the Court continue for 60 days the change of plea hearing and further requests that the Court exclude the relevant time under the Speedy Trial Act.

COLM F. CONNOLLY  
United States Attorney

By: 

Edmond Falgowski  
Assistant United States Attorney

Dated: 4-10-08

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVA D. GODSELL,

Defendant.

Criminal Action No. 06-117-GMS

**ORDER**

WHEREAS, the United States has made a request that the Court continue for 60 days the change of plea hearing, scheduled for April 16, 2008, as the parties are engaged in continuing plea negotiations, including a review by the Government of the defendant's proposed variance/departure motion; and

WHEREAS, under the Speedy Trial Act the parties waive the relevant period of delay,

**IT IS ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008, that the change of plea hearing is continued to \_\_\_\_\_; and

**IT IS FURTHER ORDERED** that the United States will provide the Court with a bi-weekly status reports commencing no later than 14 days from the date of this Order; and

**IT IS FURTHER ORDERED**, pursuant to 18 U.S.C. § 3161(h)(8)(A), the delay resulting from this Order is excludable in computing the time within which the defendant's trial must be commenced under the Speedy Trial Act.

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Honorable Gregory M. Sleet  
United States District Court

**CERTIFICATE OF SERVICE**

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal Action No. 06-117-GMS
	)	
EVA D. GODSELL,	)	
	)	
Defendant.	)	

I, Sharon L. Bernardo, employee with the United States Attorney's Office, hereby certify that on April 10, 2008, I served the foregoing:

**MOTION FOR CONTINUANCE OF CHANGE OF PLEA HEARING**

by causing two copies of said document to be placed in a postage prepaid envelope, placed in the United States Mail, addressed to counsel of record, and also to be telefaxed to counsel of record as follows:

Solomon Fisher, Esquire  
1919 Chestnut Street  
Apt. 610  
Philadelphia, PA 19103

*Sharon L. Bernardo*